

AO 120 (Rev. 3/04)

TO: Mail Stop 8 Director of the U.S. Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450	REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK
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In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been
filed in the U.S. District Court Delaware on the following ☒ Patents or ☐ Trademarks:

DOCKET NO. 07-cv-779	DATE FILED 11/29/2007	U.S. DISTRICT COURT DISTRICT OF DELAWARE
PLAINTIFF Senju Pharmaceutical Co. Ltd. Kyorin Pharmaceutical Co. Ltd. Allergan Inc.		DEFENDANT Apotex Inc., Apotex Pharmachem India PVT. Ltd.
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 , US 6,333,045 B1	12/25/2001	Senju Pharmaceutical Co. Ltd. and Kyorin Pharmaceutical Co. Ltd.
2		
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In the above—entitled case, the following patent(s)/ trademark(s) have been included:

DATE INCLUDED	INCLUDED BY		
	<input type="checkbox"/> Amendment	<input type="checkbox"/> Answer	<input type="checkbox"/> Cross Bill
	<input type="checkbox"/> Other Pleading		
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK	
1			
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In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT <i>Judgment in favor of defendants. See D.I. 1238/24 (attached.)</i>
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CLERK PETER T. DALLEO, CLERK OF COURT	(BY) DEPUTY CLERK <i>Nicole Fasano</i>	DATE 6/21/2010
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Copy 1—Upon initiation of action, mail this copy to Director Copy 3—Upon termination of action, mail this copy to Director
Copy 2—Upon filing document adding patent(s), mail this copy to Director Copy 4—Case file copy

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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

SENJU PHARMACEUTICAL CO. LTD.,)
KYORIN PHARMACEUTICAL CO.)
LTD. and ALLERGAN, INC.)

Plaintiffs,)

v.)

Civ. No. 07-779-SLR

APOTEX INC. and APOTEX CORP.)

Defendants.)

ORDER

At Wilmington this 14th day of June, 2010, consistent with the memorandum opinion issued this same date;

IT IS ORDERED that:

1. Plaintiffs have demonstrated, by a preponderance of the evidence, that defendants' ANDA product infringes claims 1-3, 6, 7 and 9 of U.S. Patent No. 6,333,045.
2. Defendants have demonstrated, by clear and convincing evidence, that claims 1-3 and 6-9 of U.S. Patent No. 6,333,045 are rendered obvious by the prior art.
3. Defendants have failed to demonstrate, by clear and convincing evidence, that claims 6 and 7 of U.S. Patent No. 6,333,045 are invalid for lack of enablement.
4. Defendants have failed to demonstrate, by clear and convincing evidence, that U.S. Patent No. 6,333,045 is unenforceable because it was procured through inequitable conduct.
5. The Clerk of Court is directed to enter judgment in favor of defendants and

against plaintiffs.


United States District Judge

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

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SENJU PHARMACEUTICAL CO. LTD.,)
KYORIN PHARMACEUTICAL CO.)
LTD. and ALLERGAN, INC.)

Plaintiffs,

v.

Civ. No. 07-779-SLR

APOTEX INC. and APOTEX CORP.)

Defendants.)

JUDGMENT IN A CIVIL CASE

For reasons stated in the court's memorandum opinion and order of June 14, 2010;

IT IS ORDERED AND ADJUDGED that judgment be and is hereby entered in favor of defendants and against plaintiffs.


United States District Judge

Dated: 6/21/2010


(By) Deputy Clerk